

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

APR 26 2016

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

MARCO A. RAMIREZ
BEBE ANN RAMIREZ
DAVID A. PEREZ, JR.

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Criminal No. M-16-0470-S1

SEALED SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

At all times material to this Indictment:

COUNT ONE
(Conspiracy to Commit Wire Fraud)

A. INTRODUCTION

At all times relevant to this Indictment:

1. Defendant MARCO A. RAMIREZ was one of the owners and directors of USA NOW¹ Regional Center. He was the Director of Operations for the EB-5 Visa Program projects.

2. Defendant BEBE ANN RAMIREZ was the wife of MARCO A. RAMIREZ and was one of the owners and directors of USA NOW Regional Center. She oversaw account payables and receivables.

3. Defendant DAVID A. PEREZ, JR. was an employee of USA NOW Regional Center. He operated as the head of research and corporate development.

4. Defendants MARCO A. RAMIREZ, BEBE ANN RAMIREZ, and DAVID A. PEREZ, JR. solicited foreign nationals, many of whom were from Mexico, who were interested in obtaining permanent residency in the United States by investing in the Immigrant Investor Visa Program pursuant to the Immigration and Nationality Act, Title 8, United States Code,

¹ Throughout this document, references to USA NOW and USANOW are interchangeable.

Section 1153(b)(5).

5. The Immigrant Investor Visa Program, also known as “EB-5 Visa Program,” was created by Congress in 1990 to stimulate the U.S. economy through job creation and capital investment by immigrant investors by creating a new commercial enterprise or investing in a troubled business. The EB-5 Visa Program is administered by the United States Citizenship and Immigration Services (“USCIS”), United States Department of Homeland Security, an agency of the United States government.

6. In order to qualify, the immigrant must make a capital investment of \$1,000,000, or if the investment is in a Targeted Employment Area (“TEA”) located within the United States, a capital investment of \$500,000. The investment must create or preserve 10 full-time jobs for qualifying United States’ workers within two years.

7. A Regional Center is defined as any economic unit, public or private, which is involved with the promotion of economic growth, improved regional productivity, job creation, and increased domestic capital investment. The organizers of a Regional Center seeking the Regional Center designation from USCIS must submit a proposal showing: (1) How the Regional Center plans to focus on a geographical region within the United States, and how the Regional Center will achieve economic growth within this regional area; (2) That the Regional Center’s business plan can be relied upon as a viable business model stating market conditions, project costs, and activity timelines; (3) How in verifiable detail (using economic models in some instances) jobs will be created directly or indirectly through capital investments made in accordance with the Regional Center’s business plan; and (4) The amount and source of capital committed to the project and the promotional efforts made and planned for the business project.

8. Acquiring lawful permanent residency (a “Green Card”) through the EB-5 Visa Program is a three-step self-petitioning process. First, the applicant must obtain approval of his or her Petition for an Alien Entrepreneur (Form I-526). Second, he or she must either file an I-485 application to adjust status to lawful permanent resident, or apply for an immigrant visa at a U.S. consulate or embassy outside of the United States. The EB-5 applicant (and their derivative family members) is granted conditional permanent residency for a two-year period upon the approval of the I-485 application or upon entry into the United States with an EB-5 immigrant visa. Third, a Form I-829 Petition by an Entrepreneur to Remove Conditions must be filed 90 days prior to the two-year anniversary of the granting of the EB-5 applicant’s conditional Green Card. If this petition is approved by USCIS, the EB-5 applicant will be issued a new Green Card without any further conditions attached to it, and will be allowed to permanently live and work in the United States.

9. To qualify for an EB-5 investment, the immigrant investor must actually place his or her capital “at risk” for the purpose of generating a return and evidence of such risk must accompany the EB-5 petition. If the immigrant investor is guaranteed the return of a portion of his or her investment, then that portion of the capital is not at risk.

B. THE CONSPIRACY

10. From in or about early 2010, through in or about September 30, 2013, in the Southern District of Texas and elsewhere within the jurisdiction of the court, the defendants,

**MARCO A. RAMIREZ
BEBE ANN RAMIREZ
and
DAVID A. PEREZ, JR.**

did willfully, that is, with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, to commit an offense against the United States, that is: to devise and intend to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, knowing that they were false and fraudulent when made, and transmitting and causing to be transmitted certain wire communications in interstate and foreign commerce, for the purpose of executing the scheme, in violation of Title 18, United States Code, Section 1343.

C. PURPOSE OF THE CONSPIRACY

11. It was the purpose of the conspiracy that the defendants and their co-conspirators would enrich themselves through the funds of foreign investors who hoped to participate in the EB-5 Visa Program.

D. MANNER AND MEANS OF THE CONSPIRACY

12. The defendants and their co-conspirators sought to accomplish the purpose of the conspiracy by the following manner and means, among other things:

- a. obtaining designation from USCIS of USA NOW Regional Center as a Regional Center within the Immigrant Investor Pilot Program to lure unsuspecting foreign investors;
- b. soliciting Mexican nationals and persons of other nationalities who were interested in obtaining legal status to be in the United States through the EB-5 Visa Program as investors;

- c. failing to comply with the prerequisites of escrow agreements prior to spending investor monies;
- d. failing to fulfill promises to utilize capital contributions, also referred to as “subscriber proceeds”, solely for the investment projects associated with the EB-5 Visa Program;
- e. disseminating false and misleading account statements to lull investors into believing that their capital contributions were safe, when in fact, they had already been spent;
- f. falsely representing to USCIS in I-526 petitions that applicants had \$500,000 of capital contribution investment at risk, when in fact, the capital contribution, or part of it, had already been spent on expenses unrelated to investment projects associated with the EB-5 Visa Program;
- g. failing to fulfill promises to return investors’ capital contributions and associated administrative fees if the investor’s I-526 was rejected by USCIS;
- h. using the funds of various investors to do the following, among other things:
 - i. purchase luxury vehicles;
 - ii. pay off civil judgments;
 - iii. refund other investors who demanded that their funds be returned;
 - iv. otherwise enrich themselves; and
 - v. failing to obtain permanent residency status through the EB-5 Visa Program for a majority of the investors.

E. OVERT ACTS

13. On or about the dates specified below, in furtherance of the conspiracy and to achieve the purpose thereof, the defendants and their co-conspirators, in the Southern District of Texas and elsewhere within the jurisdiction of the court, committed and caused to be committed at least one of the following overt acts, among others:

NO.	DATE	DESCRIPTION
BANK ACCOUNTS AND FORMATION OF ENTITIES		
1	March 22, 2010	Michael J. Daley, as Organizer, filed a Certificate of Formation Limited Liability Company for NOW USA Regional Center, LLC with the Secretary of State for Texas. The Registered Agent and Governing Person for the company was Defendant BEBE ANN RAMIREZ.
2	March 26, 2010	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called USA NOW Regional Center LLC "Fees Account" with Account Number xxx3694. The authorized signer was Defendant BEBE ANN RAMIREZ.
3	March 26, 2010	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511. The authorized signer was Defendant BEBE ANN RAMIREZ.
4	March 29, 2010	Defendant BEBE ANN RAMIREZ filed a Certificate of Amendment with the Secretary of State for Texas to change the name of NOW USA Regional Center, LLC to USA NOW, LLC.
5	December 28, 2010	Defendant DAVID A. PEREZ, JR. filed a Certificate of Formation Limited Liability Company for MBMA, LLC with the Secretary of State for Texas. The Registered Agent and Governing Person for the company was Defendant BEBE ANN RAMIREZ.
6	January 3, 2011	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called Bayou Grill LLC with Account Number xxx2914. The authorized signer was Defendant BEBE ANN RAMIREZ.
7	January 19, 2011	Defendant DAVID A. PEREZ, JR., as Organizer, filed a Certificate of Formation Limited Liability Company for RGV Innovative Business Solutions, LLC with the Secretary of State for Texas. The Registered Agent and Governing Person for the company was Defendant BEBE ANN RAMIREZ.
8	January 24, 2011	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called RGV Innovative Business Solutions LLC with Account Number xxx2515. The authorized signer was Defendant BEBE ANN RAMIREZ.

NO.	DATE	DESCRIPTION
9	March 7, 2011	Defendant DAVID A. PEREZ, JR., as Organizer, filed a Certificate of Formation Limited Liability Company for Betts Energy, LLC with the Secretary of State for Texas. The Registered Agent and Governing Person for the company was MBMA, LLC.
10	June 1, 2011	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called Betts Energy LLC with Account Number xxx2655. The authorized signer was Defendant BEBE ANN RAMIREZ.
11	August 11, 2011	Sharon M. Leal, as Attorney-in-Fact for Defendant BEBE ANN RAMIREZ filed a Certificate of Formation of USA NOW Energy Capital Group, LP with Defendant BEBE ANN RAMIREZ as the Registered Agent and NOW Co. Loan Services, LLC as the only general partner.
12	September 12, 2011	Defendant BEBE ANN RAMIREZ opened an account with Inter National Bank called USA NOW Energy Capital Group LP with Account Number xxx1640. The authorized signer was Defendant BEBE ANN RAMIREZ.
13	February 8, 2012	Defendant BEBE ANN RAMIREZ opened an account with JPMorgan Chase Bank called USA NOW Energy Capital Group LP with Account Number xxxxx6924. The authorized signer was Defendant BEBE ANN RAMIREZ.
14	February 8, 2012	Defendant BEBE ANN RAMIREZ opened an account with JPMorgan Chase Bank called NOW Co Loan Services LLC with Account Number xxxxx4846. The authorized signer was Defendant BEBE ANN RAMIREZ.
15	February 8, 2012	Defendant BEBE ANN RAMIREZ opened an account with JPMorgan Chase Bank called Betts Energy LLC with Account Number xxxxx7683. The authorized signer was Defendant BEBE ANN RAMIREZ.
16	February 21, 2012	Israel Cruz, as Organizer, filed a Certificate of Formation Limited Liability Company for USA NOW Entertainment Group, LLC with the Secretary of State for Texas. The Registered Agent and Governing Person for the company was Defendant BEBE ANN RAMIREZ.
17	February 23, 2012	Defendant BEBE ANN RAMIREZ opened an account with JPMorgan Chase Bank called USA NOW Entertainment Group LLC dba The Bayou Grill with Account Number xxxxx4737. The authorized signer was Defendant BEBE ANN RAMIREZ.

18	April 15, 2013	Defendant BEBE ANN RAMIREZ opened an account with Wells Fargo Bank called NOW Co. Loan Services, LLC with Account Number xxxxxx9803. The authorized signer was Defendant BEBE ANN RAMIREZ.
INVESTOR #1		
19	April 6, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #1 containing an invitation to the announcement of USANOW as a designated regional center by USCIS. The announcement event was scheduled to occur on April 8, 2011 at UTPA (University of Texas Pan American).
20	April 12, 2011	Defendant DAVID A. PEREZ, JR., representing Innovative Business Solution RGV, LLC, and Defendant MARCO A. RAMIREZ, representing USANOW Regional Center LLC, the Escrow Agent, executed an Escrow Agreement with INVESTOR #1.
21	April 18, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #1 containing information for investment deposit.
22	April 19, 2011	A capital contribution deposit of \$110,000 from INVESTOR #1 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511. Prior to the deposit, the balance in the account was \$40.
23	April 19, 2011	A temporary check in the amount of \$110,000 from Account Number xxx3511 and signed by Defendant BEBE ANN RAMIREZ was written to IBS (RGV Innovative Business Solutions, LLC) leaving a balance of \$40.
24	April 19, 2011	The check written from Account Number xxx3511 in the amount of \$110,000 to IBS was deposited into Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC. Prior to the deposit, the balance in Account Number xxx2515 was \$97.01.
25	April 19, 2011	Check Number 1002, from Account Number xxx2515 and signed by Defendant BEBE ANN RAMIREZ, was written to Defendant MARCO A. RAMIREZ, in the amount of \$55,000.00 with a notation of "Development Fee".
26	April 19, 2011	Check Number 1002, from Account Number xxx2515 was deposited into Account Number xxx4724 in the name of Defendant BEBE ANN RAMIREZ. Prior to the deposit, the balance was \$8,694.53.
27	April 19, 2011	Check Number 1482, from Account Number xxx4724 and signed by Defendant BEBE ANN RAMIREZ, written to Mercedes Benz in the amount of \$54,000, and dated April 15, 2011, was posted to Account Number xxx4724.
28	April 22, 2011	A wire transfer of \$55,000 from Account Number xxx2515 to Page Sutherland Page via Fed Wire left a balance of \$2,746.01 in the account.

29	August 1, 2011	Israel Cantu sends an email to Defendant DAVID A. PEREZ, JR. with attachments which show the Balance Sheet, Statement of Cash Flows, and Profit and Loss Statements for USA NOW Regional Center LLC for January through July 2011. The subject line of the email is Re: Marco Ramirez.
30	August 20, 2011	Defendant BEBE ANN RAMIREZ, representing NOW Co. Loan Services, LLC, accepted and approved a USANOW Energy Capital Group Subscription Agreement with INVESTOR #1.
31	August 23, 2011	Pollyanna Molina mailed an I-526, EB-5 Immigrant Petition on behalf of USANOW Regional Center on behalf of INVESTOR #1 to USCIS.
32	March 19, 2012	A capital contribution deposit of \$106,000 from INVESTOR #1 was made into the USA NOW Energy Capital Group LP account with Account Number xxxxx6924. Prior to the deposit, the balance in the account was \$1,000.
33	March 20, 2012	A withdrawal was made from Account Number xxxxx6924 in the amount of \$100,000, leaving a balance of \$7,000.
34	May 18, 2012	A capital contribution deposit of \$12,000 via Fed Wire from INVESTOR #1 was made into Account Number xxxxx6924.
35	May 24, 2012	An online transfer of \$20,000 from Account Number xxxxx6924 to Account Number xxxxx7683 in the name of Betts Energy LLC left a balance of \$6,135.01.
36	September 7, 2012	A capital contribution deposit of \$249,840 via Fed Wire from INVESTOR #1 was made into Account Number xxxxx6924. Prior to the deposit, the balance in the account was \$305.01.
37	September 7, 2012	An online transfer of \$169,840 from Account Number xxxxx6924 to Account Number xxx4737 in the name of USA NOW Entertainment Group LLC dba Bayou Grill and an online transfer of \$80,000 from Account Number xxxxx6924 to Account Number xxxxx7683 in the name of Betts Energy LLC left a balance of \$290.01.
38	January 8, 2013	A statement was created by Defendant DAVID A. PEREZ, JR. indicating that the current capital account balance of INVESTOR #1 was \$500,000 and that her investment had earned \$14,268.79 in interest.
39	April 2, 2013	Check Number 4071, from Account Number xxxxx4846 in the name of NOW Co Loan Services LLC and signed by Defendant BEBE ANN RAMIREZ in the amount of \$14,268.79 was written to INVESTOR #1.
40	May 20, 2013	A statement was created by Defendant DAVID A. PEREZ, JR. indicating that the current capital account balance of INVESTOR #1 was \$500,000 and that her investment had earned \$9,041.09 in interest.
41	May 20, 2013	Check Number 4263, from Account Number xxxxxx9803 in the name of NOW Co. Loan Services, LLC and signed by Defendant BEBE ANN RAMIREZ in the amount of \$9,041.09 was written to INVESTOR #1.

INVESTOR # 2		
42	May 20, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #2 advising him that USA NOW needs the payment on the balance and sends a copy of the escrow contract in English and Spanish.
43	May 23, 2011	INVESTOR #2 sends an email to an employee of USANOW Regional Center LLC asking for account information to make the deposit and asks if it should be the entire \$500,000.
44	May 23, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #2 with instructions on how to make the deposit into the escrow account and how to return the contract. The attachments include the wire instructions. A blind copy of this message is emailed to Defendant MARCO A. RAMIREZ.
45	May 23, 2011	Defendant DAVID A. PEREZ, JR., representing Innovative Business Solution RGV, LLC, and Defendant MARCO A. RAMIREZ, representing USANOW Regional Center LLC, the Escrow Agent, executed an Escrow Agreement with INVESTOR #2.
46	May 27, 2011	A capital contribution deposit of \$500,000 from INVESTOR #2 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer. Prior to the deposit, the balance in the account was \$15.
47	May 31, 2011	A check written from Account Number xxx3511 in the amount of \$500,000 to Bayou Grill was deposited into Account Number xxx2914 in the name of Bayou Grill LLC. Prior to the deposit, the balance in Account Number xxx2914 was overdrawn \$731.08.
48	July 12, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #2 with an attachment containing the USANOW Energy Capital Group, LP Private Placement Memorandum which informs INVESTOR #2 that it is the option that is available for participation.
49	July 18, 2011	Defendant DAVID A. PEREZ, JR. accepted and approved a USANOW Energy Capital Group Subscription Agreement with INVESTOR #2.
50	December 2, 2011	Pollyanna Molina mailed an I-526, EB-5 Immigrant Petition on behalf of USANOW Regional Center on behalf of INVESTOR #2 to USCIS.
51	January 11, 2013	A statement was created by Defendant DAVID A. PEREZ, JR. indicating that the current capital account balance of INVESTOR #2 was \$500,000 and that his investment had earned \$21,643.84 in interest.
52	April 8, 2013	Check Number 4074, from Account Number xxxxx4846 in the name of NOW Co Loan Services LLC and signed by Defendant BEBE ANN RAMIREZ in the amount of \$21,643.84 was written to INVESTOR #2.

INVESTOR #3		
53	June 16, 2011	Defendant DAVID A. PEREZ, JR., representing Innovative Business Solution RGV, LLC, and Defendant MARCO A. RAMIREZ, representing USANOW Regional Center LLC, the Escrow Agent, executed an Escrow Agreement with INVESTOR #3.
54	June 24, 2011	A capital contribution deposit of \$500,000 from INVESTOR #3 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer. Prior to the deposit, the balance in the account was \$5.
55	June 24, 2011	Defendant BEBE ANN RAMIREZ wrote check number 5001 from Account Number xxx3511 in the amount of \$433,305 to INVESTOR #6. The memo on the check was "EB5 return". INVESTOR #6 was an EB-5 investor who demanded that his investment be returned. The balance remaining in the account was \$66,700.
56	July 20, 2011	An online transfer of \$10,000 was made from Account Number xxx3511 to Account Number xxx3694 in the name of USA NOW Regional Center LLC "Fees Account". Prior to the transfer, the balance in Account Number xxx3694 was \$151.89.
57	July 21, 2011	Check number 1083 in the amount of \$9,595 written to INVESTOR #6 from Account Number xxx3694 dated July 19, 2011 and signed by Defendant BEBE ANN RAMIREZ was posted to Account Number xxx3694 leaving a balance of \$556.89.
58	April 8, 2013	Check Number 4075, from Account Number xxxxx4846 in the name of NOW Co Loan Services LLC and signed by Defendant BEBE ANN RAMIREZ in the amount of \$19,589.04 was written to INVESTOR #3.
INVESTOR #4		
59	June 3, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #4 with information on the EB-5 program. Among other things, the information indicates that it takes approximately 150 days to receive residency.
60	November 4, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #4, which is blind copied to Defendant MARCO A. RAMIREZ, reminding her of pending documents and proof of the transfer of funds from her account to Energy Capital Group.
61	November 4, 2011	Defendant DAVID A. PEREZ, JR., representing NOW Co. Loan Services, LLC, executed a USANOW Energy Capital Group, LP Subscription Agreement with INVESTOR #4.
62	December 5, 2011	An employee of USANOW Regional Center LLC sends an email to INVESTOR #4, which is blindcopied to Defendant MARCO A. RAMIREZ, telling her that he has heard that the currency exchange rate will improve soon and he hopes that they will take advantage [of the opportunity] to finalize [their investment].

63	December 8, 2011	A capital contribution deposit of \$500,000 from the spouse of INVESTOR #4 was made into the USA NOW Energy Capital Group LP account with Account Number xxx1640 via wire transfer. Prior to the deposit, the balance in the account was \$90.
64	December 8, 2011	A temporary check written from Account Number xxx1640 in the amount of \$500,000 to Betts Energy was deposited into Account Number xxx2655 in the name of Betts Energy LLC. Prior to the deposit, the balance in Account Number xxx2655 was \$2,963.79.
65	December 8, 2011	Check number 1038 in the amount of \$300,000 from Account Number xxx2655 and signed by Defendant BEBE ANN RAMIREZ was written to RGV IBS.
66	December 9, 2011	Check number 1039 in the amount of \$110,000 from Account Number xxx2655 and signed by Defendant BEBE ANN RAMIREZ was written to RGV IBS.
67	December 9, 2011	Check number 1024 signed by Defendant BEBE ANN RAMIREZ and dated November 16, 2011 from Account Number xxx2655 in the amount of \$86,154.92 to Representaciones e Importaciones de Tuberia de Acero (RITA) was posted to Account Number xxx2655. (Note: RITA was not an EB-5 project.)
68	December 9, 2011	Check number 1038 from Account Number xxx2655 in the amount of \$300,000 to RGV IBS was deposited into Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC. Prior to the deposit, the balance in Account Number xxx2515 was \$19,363.16.
69	December 9, 2011	A wire transfer via Fed Wire of \$300,000 from Account Number xxx2515 to GT Leach Construction left a balance of \$20,028.92 in the account.
70	December 12, 2011	Check number 1039 from Account Number xxx2655 in the amount of \$110,000.00 to RGV IBS was deposited into Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC. Prior to the deposit, the balance in Account Number xxx2515 was \$20,028.92.
71	December 12, 2011	Check number 1064 in the amount of \$100,000 from Account Number xxx2515 was written to NOW Co. and left a balance of \$24,528.92 in Account Number xxx2515.
72	January 25, 2012	Pollyanna Molina mailed an I-526, EB-5 Immigrant Petition on behalf of USANOW Regional Center on behalf of INVESTOR #4 to USCIS.
73	September 7, 2012	INVESTOR #4 sends an email to an employee of USANOW Regional Center, LLC asking if there is any news on the investment visa. She further indicates that she has heard that USANOW was not being awarded investment visas any longer.

74	September 7, 2012	Defendant MARCO A. RAMIREZ responds to the email from INVESTOR #4 and apologizes for the lack of communication. He indicates that USA NOW has been busy with families from Mexico, Egypt, and Nigeria. He further indicates that he will make an interest deposit on Wednesday. He further tells her of success stories and confirms that jobs have been created.
75	September 7, 2012	An employee of USA NOW Regional Center, LLC sends an email to INVESTOR #4 and apologizes for not keeping her informed. He sends her [results] of two recent families to restore her confidence.
76	December 13, 2012	A statement was created by DAVID A. PEREZ, JR. indicating that the current capital account balance of INVESTOR #4 was \$500,000 and that her investment had earned \$19,657.53 in interest.
77	February 1, 2013	Check Number 4064, from Account Number xxxxx4846 in the name of NOW Co Loan Services LLC and signed by Defendant BEBE ANN RAMIREZ in the amount of \$15,890.41 was written to INVESTOR #4.

INVESTOR #5

78	April 11, 2011	The spouse of INVESTOR #5 sends an email to info@usanow.com.mx with subject line: Contact Form, and asks for a response to questions she poses in her email.
79	April 11, 2011	Defendant DAVID A. PEREZ, JR. forwards the email from the spouse of INVESTOR #5 to an employee of USA NOW Regional Center.
80	April 11, 2011	An employee of USA NOW Regional Center, LLC sends an email to the spouse of INVESTOR #5 with information about the EB-5 program. The employee indicates that it takes approximately 150 days to receive residency.
81	May 20, 2011	An employee of USA NOW Regional Center, LLC sends an email to the spouse of INVESTOR #5 via an email account of defendant DAVID A. PEREZ, JR. He attaches contracts, including an escrow agreement in the spanish language and wire instructions.
82	May 27, 2011	Defendant DAVID A. PEREZ, JR., representing Innovative Business Solution RGV, LLC, and Defendant MARCO A. RAMIREZ, representing USA NOW Regional Center, LLC, the Escrow Agent, executed an Escrow Agreement with INVESTOR #5.
83	June 7, 2011	A capital contribution deposit of \$200,000 from the spouse of INVESTOR #5 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer. Prior to the deposit, the balance in the account was \$10.
84	June 16, 2011	A temporary check written from Account Number xxx3511 in the amount of \$200,000 to Bayou Grill, LLC was deposited into Account Number xxx2914 in the name of Bayou Grill, LLC. Prior to the deposit, the balance in Account Number xxx2914 was \$40,320.44.

85	June 17, 2011	An employee of USANOW Regional Center, sends an email to the spouse of INVESTOR #5 confirming a transfer and attaches a receipt. He further states that he is waiting for the net worth statement and the origin of investment funds in the amount of \$300,000.
86	June 18, 2011	An employee of USANOW Regional Center, sends an email to the spouse of INVESTOR #5 which is blind copied to defendant MARCO A. RAMIREZ, with contact information for the IBC location on Ruben Torres Blvd in Brownsville and reminds her that the account from which the money comes from should belong to INVESTOR #5. The employee adds that the money will go into escrow.
87	November 21, 2011	Pollyanna Molina mailed an I-526, EB-5 Immigrant Petition on behalf of USANOW Regional Center on behalf of INVESTOR #5 to USCIS.
88	April 5, 2012	An employee of USANOW Regional Center, LLC sends an email to INVESTOR #5 informing him that the Energy Capital Group LP switched its account to Chase Bank and that he is sending wire instructions so that INVESTOR #5 can make the next deposit.

In violation of Title 18, United States Code, Sections, 1349 and 1343.

COUNTS TWO THROUGH EIGHT
(Wire Fraud)

A. INTRODUCTION

1. Paragraphs 1 through 9 and 13 of Count One of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

B. THE SCHEME TO DEFRAUD

2. From in or about early 2010, through on or about September 30, 2013, in the Southern District of Texas and elsewhere within the jurisdiction of the court, the defendants,

**MARCO A. RAMIREZ
BEBE ANN RAMIREZ
and
DAVID A. PEREZ, JR.**

aided and abetted by others known and unknown to the Grand Jury, did knowingly devise and intend to devise a scheme and artifice to defraud and for obtaining money and property by means of material false and fraudulent pretenses, representations and promises.

C. THE MANNER AND MEANS OF THE SCHEME

3. Paragraph 12 of Count One of this Indictment is re-alleged and incorporated by reference herein as a description of the scheme and artifice.

D. THE EXECUTION OF THE SCHEME

4. On or about the dates specified below, the defendants, for the purpose of executing the aforesaid scheme and artifice to defraud, and attempting to do so, did knowingly transmit and cause to be transmitted, by means of wire communications in interstate and foreign commerce, certain writings, signs, signals, pictures and sounds, as more particularly described below:

COUNT	DATE	ITEM WIRED
TWO	April 22, 2011	A wire transfer via Fed Wire of \$55,000 from Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC was transmitted to Page Sutherland Page.
THREE	May 27, 2011	A capital contribution deposit of \$500,000 from INVESTOR #2 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer.
FOUR	June 7, 2011	A capital contribution deposit of \$200,000 from the spouse of INVESTOR #5 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer.
FIVE	June 24, 2011	A capital contribution deposit of \$500,000 from INVESTOR #3 was made into the USA NOW Regional Center LLC "Escrow Account" with Account Number xxx3511 via wire transfer.
SIX	December 8, 2011	A capital contribution deposit of \$500,000 from the spouse of INVESTOR #4 was made into the USA NOW Energy Capital Group LP account with Account Number xxx1640 via wire transfer.
SEVEN	December 9, 2011	A wire transfer via Fed Wire of \$300,000 from Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC was transmitted to GT Leach Construction.

EIGHT	September 7, 2012	A capital contribution deposit of \$249,840 via Fed Wire from INVESTOR #1 was made into Account Number xxxx6924 in the name of USA NOW Energy Capital Group LP.
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In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT NINE
(Money Laundering)

On or about April 19, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant,

BEBE ANN RAMIREZ

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, deposit a personal check in the amount of \$55,000 into Account Number xxx4724 in the name of Bebe Ann Ramirez, such property having been derived from a specified unlawful activity, to wit, wire fraud, in violation of Title 18, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNT TEN
(Money Laundering)

On or about April 19, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant,

BEBE ANN RAMIREZ

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution,

affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, withdraw funds via a personal check in the amount of \$54,000 from Account Number xxxx4724 in the name of Bebe Ann Ramirez, such property having been derived from a specified unlawful activity, to wit, wire fraud, in violation of Title 18, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNT ELEVEN
(Money Laundering)

On or about December 9, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant,

BEBE ANN RAMIREZ

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, deposit a personal check in the amount of \$300,000 into Account Number xxxx2515 in the name of RGV Innovative Business Solutions LLC, such property having been derived from a specified unlawful activity,

to wit, wire fraud, in violation of Title 18, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNT TWELVE
(Money Laundering)

On or about December 12, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant,

BEBE ANN RAMIREZ

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, deposit a personal check in the amount of \$110,000 into Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC, such property having been derived from a specified unlawful activity, to wit, wire fraud, in violation of Title 18, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

COUNT THIRTEEN
(Money Laundering)

On or about December 12, 2011, in the Southern District of Texas, and elsewhere within the jurisdiction of the court, defendant,

BEBE ANN RAMIREZ

aided and abetted by other persons known and unknown to the Grand Jury, did knowingly engage and attempt to engage in a monetary transaction by, through, and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000.00, that is, withdraw funds via a personal check in the amount of \$100,000 from Account Number xxx2515 in the name of RGV Innovative Business Solutions LLC, such property having been derived from a specified unlawful activity, to wit, wire fraud, in violation of Title 18, of the laws of the United States.

In violation of Title 18, United States Code, Sections 1957 and 2.

NOTICE OF FORFEITURE
(28 U.S.C. § 2461(c); 18 U.S.C. § 981(a)(1)(C))

Pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 981(a)(1)(C), the United States gives notice to defendants,

MARCO A. RAMIREZ (Counts 1 through 8)
BEBE ANN RAMIREZ (Counts 1 through 8)
and
DAVID A. PEREZ, JR. (Counts 1 through 8)

that in the event of their conviction of any of the offenses charged in Counts One through Eight of this Indictment, for wire fraud and/or conspiracy to commit it, all property, real or personal, which constitutes or is derived from proceeds traceable to such offense, is subject to forfeiture.

NOTICE OF FORFEITURE
18 U.S.C. § 982(a)(1)

Pursuant to Title 18, United States Code, Section 982(a)(1), the United States gives notice to defendant,

BEBE ANN RAMIREZ (Counts 9 through 13)

that upon conviction of any of the offenses charged in Counts Nine through Thirteen, for money laundering offenses, all property, real or personal, involved in money laundering offenses or traceable to such property, is subject to forfeiture.

Money Judgment

Defendants are notified that upon conviction, a money judgment may be imposed equal to the total value of the property subject to forfeiture, for which the defendants may be jointly and severally liable and which is at least \$12 million dollars.

Substitute Assets

Defendants are notified that in the event that property subject to forfeiture, as a result of any act or omission of defendants,

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value; or
- (E) has been commingled with other property that cannot be divided without difficulty,

the United States will seek to forfeit any other property of the defendants up to the total value of the property subject to forfeiture pursuant to Title 21, United States Code, Section 853(p), as incorporated by reference in Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 982(b)(1).

A TRUE BILL



FOREPERSON

KENNETH MAGIDSON
UNITED STATES ATTORNEY



ASSISTANT UNITED STATES ATTORNEY